

# EXHIBIT A

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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IN RE VASO ACTIVE PHARMACEUTICALS ) Consolidated Case No. 04-10708-RCL  
SECURITIES LITIGATION )

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**JOINT DECLARATION OF EDWIN CHOI, RICHARD CHENG, AND JOE HUBACK  
IN FURTHER SUPPORT OF THE MOTION OF THE CHOI GROUP TO BE  
APPOINTED LEAD PLAINTIFFS AND FOR APPROVAL OF LEAD PLAINTIFFS'  
SELECTION OF LEAD COUNSEL AND LIAISON COUNSEL**

Edwin Choi, Richard Cheng and Joe Huback (collectively, the "Choi Group") , declare, under penalty of perjury:

1. We submit this Declaration in further support of our motion for consolidation, appointment as Lead Plaintiffs and for approval of selection of Lead Counsel.
2. I, Edwin Choi, am currently thirty-six years of age and have been investing in the stock market for approximately six years. I am a physician and currently reside in California.
3. I, Richard Cheng, am currently thirty-six years of age and have been investing in the stock market for approximately ten years. I am a general contractor and currently reside in Hawaii.
4. I, Joe Huback, am currently fifty-six years of age and have been investing in the stock market for approximately twenty years. I work as an engineering estimator and currently reside in Georgia.
5. As Lead Plaintiffs, we agree to:
  - (a) exercise joint decision-making and work together in this case to "fairly and adequately" protect the interests of the class;

- (b) have frequent meetings via conference calls or in-person when practicable; and
- (c) monitor the litigation and maintain regular contact with our counsel.

6. We have selected and retained the law firm Schiffrin & Barroway, LLP to act as Lead Counsel in this Action.

7. As Lead Plaintiffs, we shall be responsible for monitoring the activities of our selected counsel for the duration of the litigation. Our Lead Counsel shall:

- (a) determine and present (in briefs, oral argument, or such other fashion as may be appropriate) to the Court and opposing parties the position of the plaintiffs on all matters that may arise during litigation of the Actions;

- (b) coordinate the initiation and conduct of discovery on behalf of plaintiffs consistent with the requirements of Fed. R. Civ. P. 26(b)(1) and (2), and (g), including the preparation of joint interrogatories and requests for production of documents and the examination of witnesses in depositions;

- (c) conduct settlement negotiations on behalf of plaintiffs, but not enter binding agreements except to the extent expressly authorized by Lead Plaintiffs;

- (d) enter into stipulations with opposing counsel necessary for the conduct of the litigation;

- (e) retain expert consultants and witnesses;

- (f) prepare and distribute to the Lead Plaintiffs periodic status reports;

- (g) maintain adequate time and disbursement records covering services as Lead Counsel;

- (h) budget and keep records; and

(i) perform such other duties as may be incidental to proper coordination of the litigation or authorized by further order of the Court.

We declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

June 17, 2004

  
Edwin Choi

June \_\_, 2004

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Richard Cheng

June \_\_, 2004

\_\_\_\_\_  
Joe Huback

**Proposed Lead Plaintiffs**

(i) perform such other duties as may be incidental to proper coordination of the litigation or authorized by further order of the Court.

We declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

June \_\_, 2004

\_\_\_\_\_  
Edwin Choi

June 17, 2004

  
\_\_\_\_\_  
Richard Cheng

June \_\_, 2004

\_\_\_\_\_  
Joe Huback

**Proposed Lead Plaintiffs**

(i) perform such other duties as may be incidental to proper coordination of the litigation or authorized by further order of the Court.

We declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

June \_\_, 2004

\_\_\_\_\_  
Edwin Choi

June \_\_, 2004

\_\_\_\_\_  
Richard Cheng

June 16, 2004

  
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Joe Huback

**Proposed Lead Plaintiffs**